

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
JOHNSTOWN DIVISION**

**FREIGHTCAR AMERICA, INC.,**

**Plaintiff,**

**v.**

**UNITED STEEL, PAPER & FORESTRY,  
RUBBER, MANUFACTURING, ENERGY,  
ALLIED INDUSTRIAL & SERVICE  
WORKERS INTERNATIONAL UNION,  
AFL-CIO, CLC, et al.,**

**Defendants.**

**No.: 3:14-cv-00017-KRG**

**Hon. Kim R. Gibson**

*Electronically filed*

**MOTION FOR LEAVE TO FILE  
PLAINTIFF'S FIRST AMENDED  
COMPLAINT**

Plaintiff, FreightCar America, Inc. ("FreightCar"), hereby requests leave to file its First Amended Complaint. Leave should be granted to allow FreightCar to re-plead its claims against a defendant class. Addressing FreightCar's claims on a class-wide basis would further the interest of justice by relieving this Court of the burdensome task of coordinating a multitude of individual actions. The class named, as well as the class representatives, are nearly identical to the putative class and class representatives named in the related action against FreightCar pending before this Court. *Zanghi, et al. v. FreightCar America, Inc., et al.*, 3:13-cv-00146 (W.D. Pa. 2013).

WHEREFORE, Plaintiff, FreightCar America, Inc., respectfully requests that this Court grant FreightCar leave to file Plaintiff's First Amended Complaint, a copy of which has been submitted to the Court as an exhibit to FreightCar's brief in support of this motion.

Dated: February 18, 2014

Respectfully Submitted,

/s/ Kirk Watkins

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**ATTORNEYS FOR DEFENDANTS FREIGHTCAR  
AMERICA, INC.**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system this 18th day of February, 2014. Any other counsel of record will be served by facsimile transmission and/or first class mail.

/s/ Kirk Watkins